

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL FOX, PAUL D'AURIA and JILL
SHWINER,

Plaintiffs,

-against-

STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY,

Defendant.

Case No. 19-CV-4650 (AJN)

**REPLY DECLARATION OF A.
MICHAEL WEBER**

I, **A. MICHAEL WEBER**, an attorney duly admitted to practice before this Court, hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney with the law firm of Littler Mendelson, P.C., counsel for Defendant Starbucks Corporation d/b/a Starbucks Coffee Company (“Starbucks” or “Defendant”) in this action. I am fully familiar with the facts and circumstances set forth herein based on the pleadings and the discovery record submitted herewith. I make this reply declaration to put before the Court certain documents and testimony relevant to Defendant’s motion for summary judgment.

2. Annexed hereto as Exhibit M is a copy of the entirety of a May 2019 e-mail chain between Starbucks’ representatives and a New York City reporter. On May 21, 2019, Starbucks responded to a press inquiry about two lawsuits recently filed in New York one being the instant lawsuit, and the other being an unrelated action titled *George et al. v. Starbucks Corp.*, No. 19-cv-06185-AJN.¹ Plaintiffs submitted a portion of the May 2019 e-mail chain in support of their Opposition to Defendant’s Motion for Summary Judgment (PSMF ¶ 183), and Defendant is hereby attaching the entirety of that e-mail chain, all of which was produced during discovery.

¹ On November 19, 2020, the Court dismissed the *George* action.

3. Annexed hereto as Exhibit N is a true and correct copy of the relevant pages of the transcript of the deposition of Rachel Kelly taken on September 2, 2020.

4. Annexed hereto as Exhibit O is a true and correct copy of the relevant pages of the transcript of the deposition of Leslie Fable taken on September 29, 2020.

5. Annexed hereto as Exhibit P is a true and correct copy of the relevant pages of the transcript of the deposition of Tina McDonald taken on August 27, 2020.

6. Annexed hereto as Exhibit Q is a true and correct copy of the relevant pages of the transcript of the deposition of Carla Ruffin taken on August 21, 2020.

7. Annexed hereto as Exhibit R is a true and correct copy of an example of a Corrective Action Form received by Rafael Fox during his employment with Starbucks. Exhibit R was produced during discovery.

I declare under penalty of perjury, that the foregoing is true and correct.

/s/ A. Michael Weber

Date: March 29, 2021
New York, New York